

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE ALHAMBRA, CALIFORNIA 91803-1331 Telephone: (626) 458-5100 www.ladpw.org

December 22, 2005

ADDRESS ALL CORRESPONDENCE TO: P.O. BOX 1460 ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE REFER TO FILE: T-5

The Honorable Board of Supervisors County of Los Angeles 383 Kenneth Hahn Hall of Administration 500 West Temple Street Los Angeles, CA 90012

Dear Supervisors:

STREET LIGHTING DISTRICTS
ANNEXATION AND LEVYING OF ASSESSMENTS FOR
COUNTY LIGHTING MAINTENANCE DISTRICT 1687
AND COUNTY LIGHTING DISTRICT LLA-1, UNINCORPORATED ZONE,
AND EXCHANGE OF PROPERTY TAX REVENUES FOR L 092-2004
SUPERVISORIAL DISTRICT 4
3 VOTES

IT IS RECOMMENDED THAT YOUR BOARD:

- Adopt the enclosed Resolution of Intention to Annex Territory to County Lighting Maintenance District 1687 and County Lighting District LLA-1, Unincorporated Zone, and to Order the Levying of Assessments within the Annexed Territory for Fiscal Year 2006-07. The project is located on Mills Avenue east of Broadway in the Whittier area.
- 2. Set a date for a public hearing regarding the proposed annexation of territory and levying of annual assessments based on the Fiscal Year 2005-06 Annual Engineer's Report, which establishes assessments based on land-use type for all zones within County Lighting District LLA-1 for street lighting purposes, with an annual base assessment rate of \$5 for a single-family home in the Unincorporated Zone.

> Instruct the Executive Officer of the Board to cause notice of the public hearing by mail at least 45 days prior to the scheduled public hearing date of ______. The mailed notice will include assessment ballots.

AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT YOUR BOARD:

- 1. Order the tabulation of assessment ballots submitted, and not withdrawn, in support of or in opposition to the proposed assessment.
- 2. Determine whether a majority protest against the proposed annexation or assessment exists.
- 3. Adopt the enclosed Resolution Ordering Annexation of Territory to County Lighting Maintenance District 1687 and County Lighting District LLA-1, Unincorporated Zone, either as proposed or as modified by your Board, except the annexation, levy of assessments, and the exchange of property tax revenues will not be effective until the legal description for the annexed area is approved as to definiteness and certainty by the County Assessor. If there is no majority protest against the proposed annexation or assessment, the adoption of the Resolution will constitute the levying of assessments in Fiscal Year 2006-07.
- 4. Adopt the enclosed Joint Resolutions between your Board and other taxing agencies Approving and Accepting the Exchange of Property Tax Revenues resulting from the annexation of territory to County Lighting Maintenance District 1687, as approved by the other nonexempt taxing agencies.
- 5. Find that the annexation and assessments are to meet operating expenses; purchase supplies, equipment, or materials; meet financial reserve needs and requirements; and obtain funds for capital projects, including the operation and maintenance of street lights necessary to maintain service within the proposed annexation area.
- Make a finding terminating the annexation, levy of assessments, and property tax transfer proceedings for L 092-2004 if the proposed annexation and levying of assessments have been rejected as a result of a majority protest.

7. Instruct the Executive Officer of the Board to file copies of the Resolutions with the County Assessor, Ownership Services Section; and Auditor-Controller, Tax Section.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

These recommended actions are for the Board to annex the territory listed in Appendix A into County Lighting Maintenance District 1687 and County Lighting District LLA-1, Unincorporated Zone, and to levy assessments on each lot or parcel lying within the proposed annexation territory based on land-use categories that designate usage units on the basis of benefits received. It is also recommended that your Board approve the exchange of property tax revenues among those nonexempt agencies whose service area is subject to the jurisdictional change.

County Ordinance requires the installation of a street lighting system by developers. The proposed annexation, levy of assessments, and exchange of property tax revenues are required to provide the necessary funding for the operation and maintenance of the street lights.

Implementation of Strategic Plan Goals

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility, as this annexation, levy of assessments, and property tax transfer provide the funding necessary for the operation and maintenance of new street lighting facilities within the annexed territory.

FISCAL IMPACT/FINANCING

The ongoing operation and maintenance costs of the street lights within the annexed territory will be funded by a portion of the respective lighting district's share of ad valorem property taxes collected from property owners within the annexed territory, supplemented by assessments annually approved by your Board. The annexation will result in a minimal property tax growth transfer from the affected taxing entities including the County General Fund, County Library, Road Maintenance District 4, the County Fire Department, and the Los Angeles County Flood Control District.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

New developments are typically required to provide street lighting in accordance with applicable subdivision, planning, and zoning ordinances as a condition of approval. The Streets and Highways Code (Sections 5821.3 and 22608.2) provides that a territory owned by a subdivider may be annexed to a lighting district if so provided by Ordinance, without notice and hearing, or filing of an Engineer's Report. Therefore, the posting and publishing requirements and filing of an Engineer's Report for this subdivision project is, therefore, not required.

The enclosed Resolution of Intention must be adopted to set a date for the required public hearing. Your Board, at the close of the public hearing, may delay its determination regarding the annexation and levying of assessments until a later date, continue the public hearing to receive further testimony, or make a determination regarding the annexation and/or assessment.

Under Proposition 218 (State Constitution, Articles XIIIC and XIIID), it is necessary to follow the procedures for levying of assessments previously authorized by your Board, including the sending, receipt, and tabulation of ballots. The assessment will only be levied if the weighted majority of ballots returned are in favor of the assessment.

The Landscaping and Lighting Act of 1972 provides for the assessment of street lighting costs against the benefited properties within County Lighting District LLA-1 by any formula or method that fairly distributes the costs among all assessable lots or parcels in proportion to the estimated benefits to be received by each from the improvements. A method of distributing the street lighting costs based on land use was approved by your Board on May 22, 1979, and amended on July 22, 1997, to include government-owned or leased parcels. The same distribution method was used to compute the base assessment rates shown in the Fiscal Year 2005-06 Annual Engineer's Report on file with Public Works.

Section 99.01 of the Revenue and Taxation Code provides that affected agencies must approve and accept the negotiated exchange of property tax revenues by Resolution. For those agencies with their own governing boards who fail to adopt a Resolution providing for the exchange of property tax revenues, your Board can approve the exchange of property tax revenue for that agency.

The Joint Resolution Approving and Accepting the Negotiated Exchange of Property Tax Revenues approved by nonexempt taxing agencies are enclosed for your consideration.

The assessments are subject to the results of ballot tabulation at the conclusion of the public hearing. Failure to annex the territory, levy assessments, and collect property tax revenues will result in the inability to operate and maintain the street lights as part of a County-administered lighting district and will result in the project not being issued a building permit and or being issued a Certificate of Occupancy.

Following the Board's approval of the annexation, levy of assessments, and exchange of property tax revenues, Public Works will file the statement of boundary changes with the State Board of Equalization as required by Section 54900 et seq. of the Government Code.

The enclosed Resolutions have been approved as to form by County Counsel.

ENVIRONMENTAL DOCUMENTATION

This project is exempt from the California Environmental Quality Act under Section 21080(b)(8) of the Public Resources Code and Class 1(x)27 of the County's Environmental Document Reporting Procedures and Guidelines approved by your Board.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Not applicable.

CONCLUSION

At such time as these recommendations may be adopted, please return one adopted copy of this letter and the signed Resolutions to Public Works. Also, forward one adopted copy of the letter and Resolutions to the County Assessor, Ownership Services Section (Attention Soledad Osborne); and to the Auditor-Controller, Tax Section (Attention Kelvin Aikens).

Respectfully submitted,

DONALD L. WOLFE
Director of Public Works

JC:pmc

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Enc. 3

cc: Chief Administrative Office

County Counsel

COUNTY OF LOS ANGELES BOARD OF SUPERVISORS

RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COUNTY LIGHTING MAINTENANCE DISTRICT 1687 AND COUNTY LIGHTING DISTRICT LLA-1, UNINCORPORATED ZONE AND TO ORDER THE LEVYING OF ASSESSMENTS WITHIN THE ANNEXED TERRITORY FOR

FISCAL YEAR 2006-07 L 092-2004

WHEREAS, on July 24, 1979, the Board of Supervisors of the County of Los Angeles approved the formation of County Lighting District LLA-1 to provide supplemental funds for the operation of street lights in County-administered lighting districts; and

WHEREAS, the Board of Supervisors adopted the Fiscal Year 2005-06 Annual Engineer's Report that shows estimated operating costs and recommended assessments for each zone within County Lighting District LLA-1; and

WHEREAS, the Improvement Act of 1911 (Section 5821.3 of the Streets and Highways Code) provides that a territory owned by a subdivider may be annexed to a lighting district if so provided by Ordinance, without notice or hearing; and

WHEREAS, the Landscape and Lighting Act of 1972 (Section 22608.2 of the Streets and Highways Code) provides that in the event an Ordinance requires installation of improvements by a subdivider, the territory may be annexed to an existing lighting district without notice and hearing or filing of an Engineer's Report or both; and

WHEREAS, Article XIIID of the California Constitution provide that the notice, protest, and hearing requirements imposed by Section 53753 of the Government Code supersede any statutory provisions applicable to the levy of a new or increased assessment.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Los Angeles, State of California, that:

SECTION 1. The public interest and convenience require, and it is the intention of the Board of Supervisors to authorize, the annexation of the territory listed in Appendix A to County Lighting Maintenance District 1687 pursuant to Section 5837 of the Streets and Highways Code of the State of California.

SECTION 2. The public interest and convenience require, and it is the intention of the Board of Supervisors to authorize, the annexation of the territory listed in Appendix A to County Lighting District LLA-1, Unincorporated Zone, pursuant to Section 22605 of the Streets and Highways Code of the State of California.

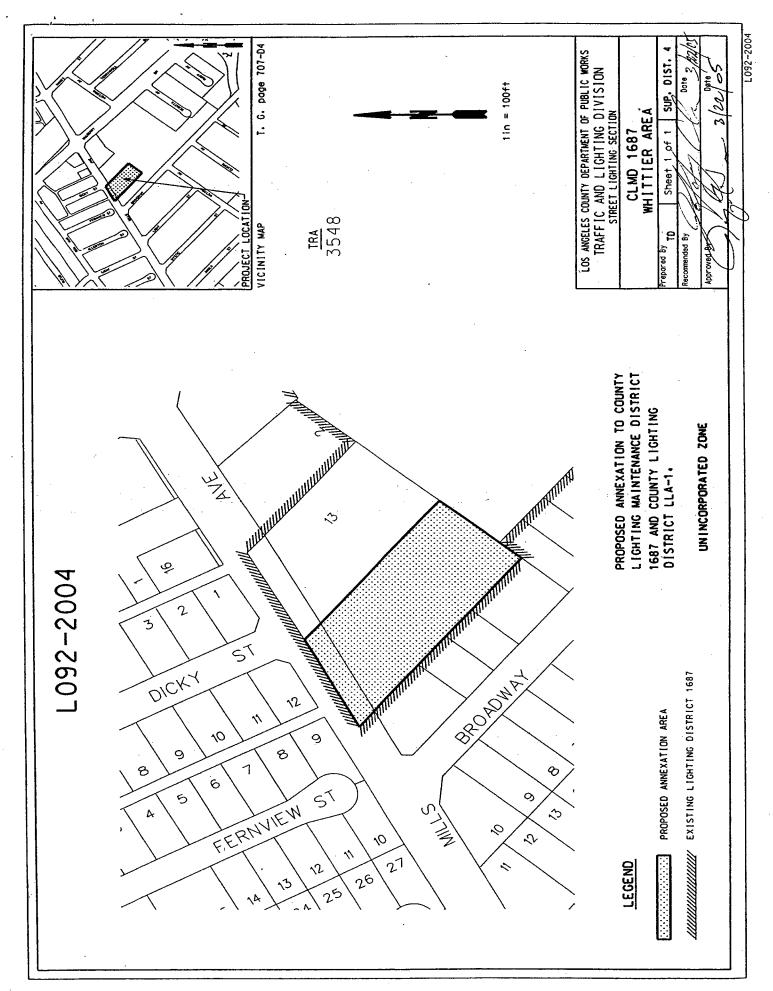
SECTION 3. The public interest and convenience require, and it is the intention of the Board of Supervisors to authorize, the expense necessary for the operation, maintenance, repairs, replacement, electric current, care, supervision, and all other items necessary for proper operation and maintenance of proposed street lights within the proposed annexation territory and located in County Lighting District LLA-1, Unincorporated Zone. The needed amounts shall be assessed in Fiscal Year 2006-07 upon each lot or parcel of land lying within the annexed territory based on land-use categories that designate usage units on the basis of benefits received as defined in the County Assessor's report dated May 22, 1979, and amended on July 22, 1997. These assessments and which should be assessed to pay the expenses of the operation and maintenance of said improvements. The proposed base assessment rates are shown in the Fiscal Year 2005-06 Annual Engineer's Report within County Lighting District LLA-1. The same proportional increases are proposed for all other benefited property uses in the territory.

SECTION 4. The boundary of the territory proposed to be annexed is shown on the attached map.

SECTION 5. The proposed assessment is subject to approval of the property owners. A ballot and public hearing notice will be sent to the property owners within the area proposed for annexation at least 45 days prior to the date of the public hearing. The ballots will be weighted by the amount of assessment to be paid by each property owner. The territory will not be annexed, and the proposed assessment for that subdivision will be abandoned if the weighted majority of the ballots returned are opposed to the assessment.

SECTION 6. The amounts to be assessed for the expense of such operation and maintenance of the work or improvements described above shall be levied and collected in the same manner and by the same officers as taxes for County purposes.

SECTION 7. Proceedings for the levying of assessments shall be taken under and in accordance with the Landscaping and Lighting Act of 1972 (Division 15, Part 2, of the Streets and Highways Code) and Article XIIID of the California Constitution.



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APPENDIX A

PROPOSED ANNEXATION OF TERRITORY AND LEVY OF ASSESSMENTS COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

Project ::	LLA-1 Zone	CLMD	Sup. Dist.	Area Unincorporated	Location Millo Avo./	Protest (Yes or No)
L092-2004	Unincorporated	1687	4	Community of Whittier	Mills Ave/ Broadway	

The foregoing Resolution was on the _adopted by the Board of Supervisors of the Governing body of all other special assessn authorities for which said Board so acts.	County of Los Angeles and ex officio the
	VIOLET VARONA-LUKENS Executive Officer of the Board of Supervisors of the County of Los Angeles
	By Deputy

RAYMOND G. FORTNER, JR. County Counsel

By M Oher Deputy

COUNTY OF LOS ANGELES BOARD OF SUPERVISORS RESOLUTION ORDERING ANNEXATION OF TERRITORY TO COUNTY LIGHTING MAINTENANCE DISTRICT 1687 AND COUNTY LIGHTING DISTRICT LLA-1, UNINCORPORATED ZONE, AND LEVYING OF ASSESSMENTS WITHIN THE ANNEXED TERRITORY FOR FISCAL YEAR 2006-07

L 092-2004

WHEREAS, the Executive Officer of the Board caused the notice of public hearing to be mailed to all property owners within the territory subject to the proposed annexation and levying of an assessment at least 45 days prior to the date set for public hearing; and

WHEREAS, Public Works mailed an assessment ballot and a notice to property owners of identified parcels within the territory proposed for annexation, pursuant to Article XIIID of the California Constitution, to indicate support of or opposition to the matter of an assessment; and

WHEREAS, said Board of Supervisors has heard all testimony and evidence with regard to the annexation and levying of assessments, has tabulated the returned assessment ballots concerning the proposed assessments for the territory shown in Appendix A, and has made a determination on whether a majority protest exists.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Los Angeles that:

SECTION 1. The Board of Supervisors hereby finds that the public interest and convenience require the operation and maintenance of the street lighting improvements within the territory proposed for annexation to County Lighting District LLA-1, Unincorporated Zone, provided that no majority protest exists within a proposed annexation area.

- SECTION 2. The Board of Supervisors hereby authorizes the annexation of the territory listed in Appendix A to County Lighting Maintenance District 1687 and to County Lighting District LLA-1, Unincorporated Zone, with the exception where a majority protest exists.
- SECTION 3. The Board of Supervisors hereby determines that the territory identified will be benefited by the annexation to County Lighting Maintenance District 1687 and County Lighting District LLA-1, Unincorporated Zone, and hereby authorizes the boundary of said lighting districts be altered to include said benefited territory and zones.
- SECTION 5 The adoption of these Resolutions constitute the levying of assessments for all lots and parcels within those subdivision areas annexed to County Lighting District LLA-1, for the Fiscal Year commencing July 1, 2006, and ending June 30, 2007.
- SECTION 6. The amounts to be assessed for the expense of the operation, maintenance, and service, as described in said Report and Resolution, shall be levied and collected in the same manner and by the same officers as taxes for County purposes and shall be disbursed and expended for operation, maintenance, and service of said lighting district, all as described in the Resolution of Intention.
- SECTION 7. The Executive Officer of the Board is hereby authorized and directed to file a certified copy of these Resolutions upon their adoption with the County Assessor, Ownership Services Section (Attention Soledad Osborne); and Auditor-Controller, Tax Section (Attention Kelvin Aikens).

APPENDIX A

PROPOSED ANNEXATION OF TERRITORY AND LEVY OF ASSESSMENTS COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

L092-2004	Unincorporated	1687		Unincorporated	Mills Ave/	(Yes or No)
Subdivision Project	LLA-1 Zone	CLMD	Sup. Dist	Area	Location	Majority Protest

The foregoing Resolution was on the _ adopted by the Board of Supervisors of the 0 governing body of all other special assessment authorities for which said Board so acts.	County of Los Angeles and ex officio the
	VIOLET VARONA-LUKENS Executive Officer of the Board of Supervisors of the County of Los Angeles
	By Deputy
APPROVED AS TO FORM:	
RAYMOND G. FORTNER, JR. County Counsel	

JOINT RESOLUTION OF

THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES; THE BOARD OF DIRECTORS OF THE GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT; THE BOARD OF DIRECTORS OF THE COUNTY SANITATION DISTRICT NO. 18 OF LOS ANGELES COUNTY (COUNTY SANITATION DISTRICT NO. 18); AND THE BOARD OF DIRECTORS OF THE WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA APPROVING AND ACCEPTING THE NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUES RESULTING FROM ANNEXATION OF L 092-2004

TO COUNTY LIGHTING MAINTENANCE DISTRICT 1687

WHEREAS, pursuant to Section 99.01 of the Revenue and Taxation Code, prior to the effective date of any jurisdictional change that will result in a special district providing one or more services to an area where those services have not previously been provided by any local agency, the special district and each local agency that receives an apportionment of property tax revenue from the area must negotiate an exchange of property tax increment generated in the area subject to the jurisdictional change and attributable to those local agencies; and

WHEREAS, the Board of Supervisors of the County of Los Angeles, acting on behalf of the County of Los Angeles, the Los Angeles County Library, the Los Angeles County Road Maintenance District No. 4, the Consolidated Fire Protection District of Los Angeles County, the Los Angeles County Flood Control Improvement District, and the Los Angeles County Flood Control District; the Board of Directors of the Greater Los Angeles County Vector Control District; the Board of Directors of the County Sanitation District No. 18 of Los Angeles County (County Sanitation District No. 18); and the Board of Directors of the Water Replenishment District of Southern California have determined that the amount of property tax revenue to be exchanged between their respective agencies as a result of the annexation proposal identified as L 092-2004 to County Lighting Maintenance District 1687 is as set forth below:

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The negotiated exchange of property tax revenues between the County of Los Angeles, County Library, County Road Maintenance District No. 4, Consolidated Fire Protection District of Los Angeles County, Los Angeles County Flood Control Improvement District, and the Los Angeles County Flood Control District; Greater Los Angeles County Vector Control District; County Sanitation District No. 18; and the Water Replenishment District of Southern California District resulting from the annexation proposal identified as L 092-2004 to County Lighting Maintenance District 1687 is approved and accepted.
- 2. For fiscal years commencing on or after July 1, 2005, or the July 1 after the effective date of this jurisdictional change, whichever is later, the property tax revenue increment generated from the area within L 092-2004 (Tax Rate Area 3548) shall be allocated to the affected agencies as indicated in the enclosed Worksheet.
- 3. If at any time after the effective date of this Resolution, the calculations used herein to determine initial property tax transfers or the data used to perform those calculations are found to be incorrect, thus producing an improper or inaccurate property tax transfer, the property tax transfer shall be recalculated and the corrected transfer shall be implemented for the next fiscal year, and any amounts of property tax received in excess of that which is proper shall be refunded to the appropriate agency.

PASSED, APPROVED, AND ADOPTED this **1** day of **AUGUST**, 2005, by the following vote:

AYES:

NOES: 0

ABSENT:

ABSTAIN: 0

GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT

of Directors

Chairperson, Boar

ATTEST

8-11-05

Date

Page 2 of 7

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The negotiated exchange of property tax revenues between the County of Los Angeles, County Library, County Road Maintenance District No. 4, Consolidated Fire Protection District of Los Angeles County, Los Angeles County Flood Control Improvement District, and the Los Angeles County Flood Control District; Greater Los Angeles County Vector Control District; County Sanitation District No. 18; and the Water Replenishment District of Southern California District resulting from the annexation proposal identified as L 092-2004 to County Lighting Maintenance District 1687 is approved and accepted.
- 2. For fiscal years commencing on or after July 1, 2005, or the July 1 after the effective date of this jurisdictional change, whichever is later, the property tax revenue increment generated from the area within L 092-2004 (Tax Rate Area 3548) shall be allocated to the affected agencies as indicated in the enclosed Worksheet.
- 3. If at any time after the effective date of this Resolution, the calculations used herein to determine initial property tax transfers or the data used to perform those calculations are found to be incorrect, thus producing an improper or inaccurate property tax transfer, the property tax transfer shall be recalculated and the corrected transfer shall be implemented for the next fiscal year, and any amounts of property tax received in excess of that which is proper shall be refunded to the appropriate agency.

PASSED, APPROVED, AND ADOPTED this 28th day of September, 2005, by the following vote:

AYES:

Twelve (12)

NOES:

None

ABSENT:

None

ABSTAIN: 1

None

COUNTY SANITATION DISTRICT NO. 18 OF LOS ANGELES COUNTY

Chairperson, Board of Directors

M. Alma Howath

SEP 2 8 2005

Date

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The negotiated exchange of property tax revenues between the County of Los Angeles, County Library, County Road Maintenance District No. 4, Consolidated Fire Protection District of Los Angeles County, Los Angeles County Flood Control Improvement District, and the Los Angeles County Flood Control District; Greater Los Angeles County Vector Control District; County Sanitation District No. 18; and the Water Replenishment District of Southern California District resulting from the annexation proposal identified as L 092-2004 to County Lighting Maintenance District 1687 is approved and accepted.
- 2. For fiscal years commencing on or after July 1, 2005, or the July 1 after the effective date of this jurisdictional change, whichever is later, the property tax revenue increment generated from the area within L 092-2004 (Tax Rate Area 3548) shall be allocated to the affected agencies as indicated in the enclosed Worksheet.
- 3. If at any time after the effective date of this Resolution, the calculations used herein to determine initial property tax transfers or the data used to perform those calculations are found to be incorrect, thus producing an improper or inaccurate property tax transfer, the property tax transfer shall be recalculated and the corrected transfer shall be implemented for the next fiscal year, and any amounts of property tax received in excess of that which is proper shall be refunded to the appropriate agency.

PASSED, APPROVED, AND ADOPTED this day of ______, 2005, by the following vote:

AYES: 5

NOES: Ø

ABSENT: Ø

ABSTAIN: 💋

WATER REPLENISHMENT DISTRICT
OF SOUTHERN CALIFORNIA

Chargerson, Board of Directors

ALLESI.

Secretary

6-15-05

Date

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The foregoing Resolution was on the _adopted by the Board of Supervisors of the G governing body of all other special assessment authorities for which said Board so acts.	County of Los Angeles and ex officio th	
	VIOLET VARONA-LUKENS Executive Officer of the Board of Supervisors of the County of Los Angeles	
	By Deputy	
APPROVED AS TO FORM:		
RAYMOND G. FORTNER, JR. County Counsel		